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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,113

09/29/2003

David W. Pedlar

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07/28/2006

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PO BOX 12608

DALLAS, TX 75225

EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,113

Applicant(s)

PEDLAR ET AL.

Examiner

Anthony S. Addy

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on May 15, 2006. .

**Claims 1-9** are pending in the present application.

### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 1-9** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

**Sharma, U.S. Publication Number 2005/0009527 A1 (hereinafter Sharma)** and

further in view of **Zeira et al., U.S. Publication Number 2004/0114574 A1 (hereinafter Zeira)**.

Regarding claims 1 and 6, Sharma discloses a user equipment and a method of performing a cell update during a reconfiguration procedure in a user equipment in a communications system (see abstract, p. 5 [0071] and Fig. 3), the method comprising the steps of: receiving a reconfiguration command (see p. 2 [0029]); and detecting a trigger event which indicates that a cell update is required (see p. 5 [0071] and Fig. 3).

Sharma fails to explicitly teach the reconfiguration command includes an activation time at which a reconfiguration is to be applied and canceling the reconfiguration procedure in response to the trigger event.

In an analogous field of endeavor, Zeira teaches a method of reconfiguring a wireless transmit receiver unit, wherein the reconfiguration command includes an activation time at which a reconfiguration is to be applied (see p. 6 [0106], p. 17 [0549-0550] and p. 19 [0556]) and canceling the reconfiguration procedure in response to a trigger event (see p. 15 [0512-0513], p. 17 [0549-0551] and p. 19 [0556]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sharma with the teachings of Zeira, wherein the reconfiguration command includes an activation time at which a reconfiguration is to be applied and canceling the reconfiguration procedure in response to the trigger event, in order to inform a wireless transmit receiver unit on when to perform a reconfiguration at an activation determined by a radio network controller during the occurrence of an unsuccessful or successful resource allocation as per the teachings of (see p. 15 [0512-0513], p. 16 [0524-0525] and p. 19 [0556]).

Regarding claims 2 and 7, Sharma in view of Zeira teaches all the limitations of claims 1 and 6. Zeira further teaches a user equipment and a method, comprising canceling the reconfiguration procedure if the trigger event occurs before the activation time (see p. 15 [0512-0513] and p. 17 [0549-0551]). .

Regarding claims 3 and 8, Sharma in view of Zeira teaches all the limitations of claims 1 and 6. Zeira further teaches a user equipment and a method, wherein the reconfiguration procedure includes applying the reconfiguration at the activation time, the method further comprising canceling the reconfiguration procedure if the trigger event occurs before the reconfiguration has been applied (see p. 15 [0512-0513], p. 17 [0549-0551] and p. 19 [0556]).

Regarding claim 4, Sharma in view of Zeira teaches discloses all the limitations of claim 1. Sharma further teaches a method, further comprising initiating the cell update (see p. 5 [0071] and Fig. 3).

Regarding claim 5, Sharma in view of Zeira teaches all the limitations of claim 1. Zeira further teaches a method, in which the user equipment communicates with a UTRAN, further comprising sending a Reconfiguration\_FAILURE message to the UTRAN (see p. 12 [0366-0367] and p. 15 [0500]).

Regarding claim 9, Sharma in view of Zeira teaches all the limitations of claim 6. Sharma further teaches a user equipment, wherein the communications system comprises a UMTS system (see p. 6 [0077 & 0084]).

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony S. Addy  
July 24, 2006



ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER